HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V. SEETHAPATHY

WRIT PETITION NO. 15955 OF 2006

BETWEEN

Vuyyala Venkata Rao & others

.....

Petitioners

And

The Chief Electoral Officer,
General Administration (Elections) Department,
Government of Andhra Pradesh,
Hyderabad & others

.....Respondents

::O R D E R ::

Counsel for the Petitioners : Shri G. Ravi for
Smt. G.
Vinobha Devi

Counsel for Respondent Nos. 1 and 2: Shri V.V. Prabhakara Rao

Counsel for Respondent Nos. 3 to 6 : Government Pleader for
Panchayat Raj

Dated: 05.09.2006

Per G.S. SINGHVI, CJ

In this petition, the petitioners have prayed for issue of a mandamus to the respondents to entertain the applications dated 6-7-2006 submitted by them to Revenue Divisional Officer, Nellore Division in Form 6 for inclusion of their names in the electoral roll of Anuma Samudram Village and allow them to participate in the election to Gram Panchayat Anuma Samudram, A.S.Pet, Nellore District.

The aforementioned prayer of the petitioners is founded on the assertion made in the affidavit of petitioner No.3 – Pamuru Vamshi, S/o Venkata Subbaiah that all the petitioners had submitted applications to the Electoral Registration Officer before the issue of notification by the State Election Commission for holding elections to the Gram Panchayat, but the same have not been decided and, on that account, they are being deprived of their legitimate right to participate in the process of election.

In paragraph 2 of the counter-affidavit filed by Shri Devarapalli Venkata Ramana Reddy, Revenue Divisional Officer, Nellore Division, it has been averred that the petitioners had filed Form 6 in duplicate in his office in special counters on 10.07.2006 i.e. after the date of notification to Gram Panchayat elections on 09.07.2006. In paragraph 3, he has averred that all the forms were received on 10.07.2006 and they were processed along with other applications.

The petitioners have neither filed rejoinder-affidavit to controvert the averments contained in paragraphs 2 and 3 of the affidavit of Shri D. Venkata Ramana Reddy nor they have produced any tangible evidence before the Court to show that they

had submitted Form 6 applications on 06.07.2006. That apart, a perusal of the rubber seals affixed on the xerox copies of the receipts filed along with the writ petition shows that none of them bear the date of receipt. Therefore, it is not possible to discard the contents of the affidavit filed by the Revenue Divisional Officer to the effect that the petitioners had submitted applications in Form 6 after announce-ment of the election to the Gram Panchayat.

In the premise aforesaid, we hold that the grievance of the petitioners regarding non-consideration of their applications by the competent authority is not well-founded and there is no valid ground to issue a direction in the nature of mandamus compelling the respondents to include their names in the electoral roll of Anuma Samudram Village and to allow them to participate in the election.

There is another reason for our disinclination to entertain the petitioners' prayer. Admittedly, the elections to Gram Panchayat, Anuma Samudram, A.S. Pet, Nellore have already been held. The petitioners have neither challenged the result of the election nor impleaded the elected candidates as parties to the writ petition. Therefore, we cannot, by entertaining the prayer made in the writ petition, indirectly put a question mark on the validity of the election.

For the reasons stated above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.19888 of 2006 filed by the petitioners for interim relief is also dismissed. The interim order passed by this Court shall stand automatically vacated.

G.S. SINGHVI, CJ

G.V. SEETHAPATHY, J

05.09.2006

ksld